

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24422 of 2004

Between:

K.Nageshwara Rao, S/o Ramanna,
Sub-Inspector of Police, VR, Kurnool.

..... PETITIONER

AND

- 1 The Inspector General of Police, Law and Order,
Rayalaseema Region, Saifabad, Hyderabad.
- 2 The Deputy Inspector General of Police, Kurnool.
- 3 The Superintendent of Police, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of mandamus directing the respondents to reinstate the petitioner into service by declaring the action of the respondents in issuing the impugned order placing the applicant under suspension and the order of the Hon'ble Tribunal in O.A.No. 6789/2004 dt. 16-12-2004 as illegal and set aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.K.ANANTHA RAO

Counsel for the Respondents: GP FOR SERVICES-I.

The Court at the admission stage made the following:

-

-

-

-

ORAL ORDER: (per GB.J.)

The Writ Petition is filed challenging the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6789 of 2004, dated 16.12.2004.

2. The petitioner is the applicant before the Tribunal. He assailed the order of suspension passed by the 2nd respondent-Deputy Inspector General of Police, Kurnool Range, Kurnool, dated 9.11.2004. It is the case of the petitioner that while he was working at Iswi Police Station, some incident had taken place in his absence. Thereafter the authorities transferred him to the Vacancy Reserve at Kurnool from 14.8.2004. Even a charge memo was issued on 9.11.2004, on which the departmental proceedings have been initiated. The grievance of the petitioner is that the suspension is wholly unwarranted and it was issued on the directions of the higher authority, who is not the appellate authority. Therefore, the disciplinary authority cannot implement such directions. In support of his contention, he placed reliance on a Division Bench Judgment of this Court reported in D.RAMESH SINHA vs. CADRE AUTHORITY, HYDERABAD¹. The Tribunal, after considering the matter, disposed of the above OA with a direction to conclude the departmental proceedings within a period of three months.

3. The learned Government Pleader for Services-I now submits that the Enquiry Officer has been appointed and the enquiry is being conducted shortly.

4. Be that as it may, since the petitioner has not filed an appeal to the higher authority, we find it appropriate that the petitioner should approach the appellate authority assailing the order of his suspension.

5. Accordingly the Writ Petition is disposed of directing the petitioner to file an appeal before the Inspector General of Police, Law and Order, Rayalaseema Region, Hyderabad within a period of two (02) weeks from the date of receipt of a copy of this order. On such appeal having been filed, the authority concerned shall

dispose of the same within a period of three (03) weeks thereafter. It is made clear that if the appeal is not disposed of within a period of three (03) weeks as directed above, the petitioner shall be reinstated into service pending departmental action. No costs.

G.BIKSHAPATHY, J.

14th February, 2005.

P.S.NARAYANA, J.

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Inspector General of Police, Law and Order,
Rayalaseema Region, Saifabad, Hyderabad.
- 2 The Deputy Inspector General of Police, Kurnool.
- 3 The Superintendent of Police, Kurnool.
- 4 The Registrar, A.P. Administrative Tribunal, Hyderabad.
- 5 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad.(OUT)
- 6 2 CD copies.